United Nations S/2017/22

Security Council

Distr.: General
9 January 2017

Original: English

Letter dated 9 January 2017 from the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the final report of the Panel of Experts on the Sudan, as requested by the Security Council in paragraph 2 of its resolution 2265 (2016).

The report was submitted to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan on 22 December 2016 and considered by the Committee on 5 January 2017.

I will present to the Security Council shortly the Committee's views on the report and any follow-up to the recommendations contained therein.

I should be grateful if the present letter and the report were issued as a document of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Chair
Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

17-00276 (E) 110117

Please recycle

Letter dated 22 December 2016 from the Panel of Experts on the Sudan addressed to the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

The members of the Panel of Experts on the Sudan have the honour to transmit herewith the report of the Panel, prepared in accordance with paragraph 2 of resolution 2265 (2016).

(*Signed*) Thomas Bifwoli **Wanjala**
Coordinator/expert (transport and customs)
Panel of Experts on the Sudan

(*Signed*) Vincent **Darracq**
Expert (regional)

(*Signed*) Daniela **Kravetz Miranda**
Expert (international humanitarian law)

(*Signed*) Warren **Melia**
Expert (arms)

(*Signed*) Abhai Kumar **Srivastav**
Expert (finance)

Final report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)

Summary

Following its appointment by the Secretary-General on 7 October 2016 (see S/2016/852), the Panel of Experts on the Sudan spent close to five weeks, from 24 October to 25 November 2016, monitoring the implementation of the relevant resolutions of the Security Council on Darfur. The Panel conducted 10 regional and international missions to gather information relevant to its mandate. In its work, the Panel acted with independence, transparency, objectivity and impartiality.

The Panel was unable, however, to travel to the Sudan during the reporting period owing to the non-issuance of visas. The Panel is prepared to travel to the Sudan as soon as the relevant authorities issue visas to its members.

During the mandate, discussions on the Darfur peace process have continued. The status of the Doha Document for Peace in Darfur has remained a bone of contention between the Government and the main non-signatory armed groups — the Justice and Equality Movement (JEM), the Sudanese Liberation Army led by Minni Arkou Minawi (SLA/MM), and the Sudanese Liberation Army led by Abdul Wahid al-Nour (SLA/AW) — which have repeatedly refused to recognize it as a basis for peace in Darfur.

JEM and SLA/MM no longer have a significant presence in Darfur as a result of the Government's effective counter-insurgency strategy. JEM now operates mostly in South Sudan, while SLA/MM operates mainly in Libya. These groups are engaged in mercenary activities and, allegedly, in criminal activities in those countries.

The conflict between the Government and armed groups in Darfur has been limited to the Jebel Marra area, where SLA/AW continues to control pockets of territory. The fighting has resulted in the significant displacement of civilians. Analysis of the information available to the Panel from 2016 has highlighted the use of extensive offensive military overflights in Jebel Marra by the Sudanese Armed Forces to conduct aerial bombardments with a variety of air-to-ground weapons. Further investigation is required before the Panel can draw conclusions with regard to potential violations of the prohibition on offensive military overflights and the arms embargo. The Panel is aware of allegations of violations against civilians committed during the fighting in the Jebel Marra area, which it intends to investigate to establish potential violations of international humanitarian law.

While the conflict has remained circumscribed geographically to the Jebel Marra area, localized intercommunal violence, militia activity and banditry have continued unabated in the five states of Darfur, posing a threat to internal security and stability. Sexual and gender-based violence remains a serious concern, in particular for vulnerable populations at camps for internally displaced persons, and the perpetrators continue to operate in a climate of impunity.

The United Nations and its partners continue to face access restrictions in providing humanitarian assistance in different regions of Darfur, in particular in the areas of Jebel Marra affected by the 2016 crisis. Personnel and property of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as humanitarian workers, continue to be targeted by different armed groups, although with less frequency than in previous years. The Panel will continue to monitor these issues.

Lastly, the Panel continues to investigate non-compliance with the travel ban and asset freeze in relation to the designated individuals.

Contents

		Page
I.	Introduction	7
II.	Programme of work	7
III.	Methodology	8
IV.	Operating environment and cooperation	8
	A. Government of the Sudan	8
	B. Member States	9
	C. United Nations Mission in South Sudan and other United Nations agencies	9
V.	Conflict dynamics	9
	A. Conflict in Darfur: the Jebel Marra area	10
	B. Darfurian armed groups' presence in South Sudan	11
	C. Darfurian armed groups' presence in Libya	12
	D. Intercommunal and armed militia violence	12
VI.	Political process and progress towards removing impediments to the peace process	13
	A. Developments in the peace process	13
	B. Implementation of the Doha Document for Peace in Darfur	13
	C. African Union High-level Implementation Panel road map	14
	D. National Dialogue	15
	E. Regional environment	16
	F. Challenges to the peace process	18
VII.	Progress towards reducing violations of the arms embargo	19
	A. Monitoring of armed violence in Darfur	19
	B. Cross-border activities	20
	C. Weapons capacity and capability study	21
VIII.	Violations of international humanitarian law and human rights	22
	A. Jebel Marra offensive	22
	B. Humanitarian access	23
	C. Sexual and gender-based violence	23
	D. Violations of international humanitarian law relating to children	24
	E. Attacks against the African Union-United Nations Hybrid Operation in Darfur and humanitarian workers in Darfur	24

IX. Travel ban and asset freeze provisions 25
A. Implementation of the travel ban 25
B. Financing of armed groups 26
X. Recommendations 26
Annexes* 27

* The annexes are being circulated in the language of submission only and without formal editing.

I. Introduction

1. The Panel of Experts on the Sudan was established by the Security Council in its resolution 1591 (2005). The Panel's mandate has since been extended, most recently in resolution 2265 (2016). Full details of the Panel's mandate are found in annex I.

2. On 7 October 2016, the Secretary-General appointed the following experts to serve on the Panel: Thomas Bifwoli Wanjala (Kenya, Coordinator and transport and customs expert); Vincent Darracq (France, regional expert); Daniela Kravetz Miranda (Chile, international humanitarian law expert); Warren Melia (United Kingdom of Great Britain and Northern Ireland, arms expert); and Abhai Kumar Srivastav (India, finance expert) (see S/2016/852).

3. In its resolution 2265 (2016), the Security Council requested the Panel to provide a final report with its findings and recommendations no later than 13 January 2017. The present report has been prepared in response to that request.

II. Programme of work

4. After an introductory meeting with the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, held in New York on 28 October 2016, the Panel developed a programme of work to carry out its mandate.

5. The Panel focused on monitoring developments in Darfur, as well as reviewing and analysing available information relevant to its mandate. From 24 October to 25 November 2016, the Panel conducted 10 regional and international missions, and four of the experts (transport and customs, regional, international humanitarian law and arms) deployed at different intervals during the period (the fifth expert joined the Panel on 3 December 2016). The purpose of the missions was to enable the Panel to follow leads, gather information relevant to its mandate and assess the impact of the surrounding region on the Darfur conflict.

6. To assess the progress of the peace process in Darfur, the Panel visited Ethiopia and South Sudan for consultations with the authorities and other actors. In Ethiopia, the Panel held discussions with a member of the African Union High-level Implementation Panel on the Sudan, relevant United Nations officials and members of the diplomatic community. In South Sudan, the Panel met with representatives of the United Nations Mission in South Sudan (UNMISS) and partner agencies, members of the diplomatic community and other actors.

7. To monitor the areas of the mandate set forth in resolution 1591 (2005) and subsequent relevant resolutions, the Panel travelled to Austria, the Netherlands, the United Kingdom, the United States of America and Switzerland and met with representatives of different national and international agencies, humanitarian organizations and non-governmental organizations focusing on the conflict in Darfur.

8. The Panel also met with several parties to the conflict outside the Sudan. In Uganda, the Panel met with: (a) Minni Arkou Minawi, leader of SLA/MM;

(b) Gibril Ibrahim, leader of JEM; and (c) Mansour Arbab, leader of New JEM, a JEM splinter group. In France, the Panel met with Abdul Wahid al-Nour, leader of SLA/AW.

9. The Panel was unable, however, to meet with Sudanese officials in Khartoum or conduct field monitoring in Darfur.

III. Methodology

10. The Panel followed a professional and technical methodology underpinned by the maintenance of transparency, objectivity, impartiality and independence. It worked in full conformity with the best practices and methods recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (see S/2006/997). Emphasis was placed on adherence to standards regarding transparency and sources, documentary evidence, corroboration of independent verifiable sources and providing the right of reply to interlocutors. The Panel based its reasoning on a balance of probability to ascertain that a reported fact or piece of information could be substantiated on the basis of credible sources or verifiable evidence.

11. Despite the limited duration of its mandate, the Panel sought to obtain information from a variety of verifiable sources on the areas relevant to the mandate. The Panel also reviewed publicly available information, corroborated by United Nations reports where possible, to extract relevant data on the situation in Darfur during the reporting period.[1]

IV. Operating environment and cooperation

12. During the reporting period, the Panel encountered two main operational challenges, namely, the non-issuance of visas to travel to the Sudan and the late constitution of the Panel. As a result, the Panel's ability to fulfil its mandate in detail was limited. In the Panel's view, for it to carry out its mandate more effectively, the Panel requires a sufficiently extensive amount of time in the field, particularly in the Sudan and in neighbouring States. Given the time required to secure visas, plan and arrange travel and schedule and coordinate appointments with the relevant authorities, as well as other issues, the Panel would benefit from a lengthier mandate to fully carry out its work (see recommendation in para. 100).

A. Government of the Sudan

13. On 25 October 2016, immediately after commencing their work, Panel members submitted visa applications to the Permanent Mission of the Sudan to the United Nations. On 28 October, the Panel held a constructive bilateral meeting with the Permanent Mission, during which positive indications were received regarding the issuance of visas for Panel members. On 21 November, the Panel received a note verbale from the Permanent Mission through the secretariat of the Committee,

[1] For the purposes of the present report, "the reporting period" is the mandate.

informing it that the Sudanese authorities concerned welcomed the Panel's intended visit and that the date of the visit would be determined through diplomatic channels. The Panel was also informed informally, through the secretariat, that the visa requests would be processed only after further instructions had been received from the capital. However, at the time of reporting, the Panel members' visas had not been granted. The Panel has brought the matter to the attention of the Committee. On 15 December, the Panel received another note verbale from the Permanent Mission indicating that it was awaiting the reconstitution of the national mechanism for resolution 1591 (2005) before determining the date of the Panel's visit to the Sudan.

14. In addition to requesting the issuance of visas, the Panel has requested the cooperation of the Government of the Sudan in granting its members travel permits to Darfur in order to monitor the situation on the ground, as well as in granting access to areas affected by the conflict.

B. Member States

15. The Panel appreciates the cooperation received from Member States. In several of its missions, the Panel met with members of the diplomatic community to discuss the implementation of various resolutions.

C. United Nations Mission in South Sudan and other United Nations agencies

16. The Panel appreciates the cooperation provided by UNMISS and other United Nations agencies in carrying out its work. During the reporting period, various United Nations agencies agreed to engage in exchanges and detailed analyses with the experts on different areas of the Panel's mandate. In South Sudan, UNMISS provided administrative and logistical support and facilitated the experts' mission. The Panel also held meetings with various UNMISS officials to discuss issues relevant to the Panel's mandate.

V. Conflict dynamics

17. During the reporting period, the conflict between the Government and armed groups in Darfur has been limited to the Jebel Marra area, where SLA/AW continues to control pockets of territory. JEM and SLA/MM no longer have a significant presence in Darfur as a result of the Government's effective counter-insurgency strategy.[2]

18. While the conflict has remained geographically circumscribed during the reporting period, localized intercommunal violence, militia activity and banditry have continued unabated in the five states of Darfur, posing a threat to internal

[2] Some sources reported to the Panel that isolated, small groups of SLA/MM fighters are present in areas of Darfur, tasked with protecting arms caches.

security and stability. Information gathered by the Panel indicates that criminal activity is one of the major causes of civilian casualties in Darfur (see annex III).

19. SLA/MM and JEM now operate mostly in Libya and South Sudan, where they are engaging in mercenary activities and, allegedly, in criminal activities (such as looting, kidnapping for ransom and trafficking). They have seemingly adopted a waiting strategy regarding Darfur. Away from the military pressure of the Government of the Sudan, they aim to rebuild their capability using the revenues obtained from their current mercenary and criminal activities. They assess that the regional environment may evolve favourably in the short to medium term and provide them with new opportunities to re-engage in Darfur with strengthened military capabilities. Over time, however, if they remain engaged in fighting and criminal activities abroad, they risk becoming driftless, ad hoc militias in other regional conflicts and risk losing their political agenda and their relevance in Darfur.

A. Conflict in Darfur: the Jebel Marra area

20. In early January 2016, the Government launched a large-scale offensive on SLA/AW in Jebel Marra, involving a combination of the Sudanese Armed Forces and the Rapid Support Forces. In previous years, given the mountainous nature of the terrain, government forces had been unable to dislodge SLA/AW fighters from Jebel Marra and take full control of the area. In 2016, government forces carried out operations to encircle the group and cut off its supply networks and its links with the local communities. Government forces took control of some key routes to Jebel Marra, while an armed group of Rizeigat herders reportedly blocked the strategic Sortony-Kabkabiyah road in North Darfur.[3] The government forces attempted to clear rebel-controlled areas through intensive aerial bombardments; these operations resulted in significant displacement of the population.

21. Government security forces have taken control of villages considered to be SLA/AW strongholds, such as Sarong, south-east of Golo, Fanga Suk and Rockero. They also have made it more difficult for SLA/AW to access supplies, medicine and ammunition.

22. The losses suffered by SLA/AW in the Jebel Marra area have fuelled internal tensions over the movement's strategy and Abdul Wahid al-Nour's leadership. Some field commanders reportedly feel that the group should not continue to fight in Jebel Marra against the more numerous, better-equipped government security forces and would prefer either to engage in the peace process or find a safe haven in Libya or elsewhere. Several high-profile commanders have defected in recent months. For instance, on 4 November 2016, a splinter group reportedly comprising around 200 fighters and led by Mohamed Al-Amin (Toro), one of the most influential SLA/AW force commanders, signed a peace deal with the Government.[4]

[3] While the armed group claimed that it had blocked the road in response to the alleged theft of cattle by internally displaced persons, several reliable sources indicated that the group had links with the Rapid Support Forces and acted in concert with them.

[4] Sudanese National Dialogue, "Abdul Jamal Group signs national document", 28 November 2016. Available from http://hewarwatani.gov.sd/eng/index.php/media-center/news/581-abu-jamal-group-signs-the-national-document.html.

23. Although weakened, SLA/AW continues to engage in fighting against government forces. Abdul Wahid al-Nour remains an iconic figure for many in the Fur community, as well as the movement's political face. Despite increased external pressure, including from the United States and Chad, Abdul Wahid al-Nour continues to refuse to engage in any form of dialogue with the Government of the Sudan, which he deems illegitimate, and rejects the mediation by the African Union High-level Implementation Panel.[5]

B. Darfurian armed groups' presence in South Sudan

24. JEM has been based mostly in South Sudan since 2012-2013, with the support of the Government of South Sudan and the Sudan People's Liberation Army (SPLA).[6] According to various sources, in exchange for this support, JEM has provided military assistance to SPLA in various areas of the country. In 2014, after the South Sudan crisis broke out, JEM played a pivotal role in assisting SPLA to combat the Sudan People's Liberation Army in Opposition (SPLA-IO), mostly in the Bentiu area of Unity. At the time, JEM was present across Western Bahr el-Ghazal, Northern Bahr el-Ghazal and Unity.

25. Having recruited new members and acquired new equipment, in April 2015 JEM tried to re-enter Darfur from South Sudan, launching a major offensive from its bases in Western Bahr el-Ghazal (see S/2016/805, paras. 51-54). However, the group suffered a major defeat to the Sudanese security forces in Goz Dango (South Darfur), which left the group seriously weakened in the medium term. Following the defeat, the remnants of the group (between 300 and 400, according to some sources) retreated to their bases in Western Bahr el-Ghazal, where they currently operate.

26. The group has been less visible during the reporting period, in part because of a decrease in fighting between SPLA and SPLA-IO in the north. However, according to several reliable sources, in recent months the group has participated in fighting in Western Bahr el-Ghazal, supporting SPLA against Fertit militias and SPLA-IO. According to various sources on the ground, JEM was reportedly at the forefront of the attacks on Raja (in June) and Wau (in July), reinforcing the limited SPLA presence in those areas.

27. The defeat in Goz Dango resulted in increased internal tensions; some cadres reportedly questioned Gibril Ibrahim's strategy. The morale of the fighters is reportedly low; with no real prospect of returning home to Darfur, they have no agenda or sense of purpose in South Sudan.

28. While the Government of South Sudan has publicly asked the Sudanese armed groups to leave its territory, it may be unable to enforce this in practice. JEM does not have the same historical ties with the Sudan People's Liberation Movement (SPLM) government as the Sudan People's Liberation Movement-North (SPLM/N). However, various local sources informed the Panel that JEM currently has operational links with SPLA commanders on the ground and has been providing

[5] Interview with Abdul Wahid al-Nour.

[6] This was documented, among other sources, in publicly available reports of the Intergovernmental Authority on Development and UNMISS.

important support to SPLA in Western Bahr el-Ghazal. Furthermore, the chain of command in SPLM/SPLA is not fully operational.

29. Lastly, the JEM leadership now seems to consider that the group runs the risk of losing its focus if it were to stay in South Sudan longer. The group thus allegedly plans to redeploy shortly to the Sudan, either to Darfur or Southern Kordofan.[7]

C. Darfurian armed groups' presence in Libya

30. Various reliable sources informed the Panel that SLA/MM has had an important presence (several hundreds of fighters) in Libya since the second half of 2015. Credible sources indicated that JEM is also operating in Libya. According to those reports, the two groups have been fighting alongside the Libyan National Army. Initially, they were reportedly mostly engaged in the Kufrah area. According to various sources, in September 2015, SLA/MM elements engaged in intense fighting alongside Tebu forces against the Zuwayyah militia, during which SLA/MM suffered severe losses. Since the army's offensive on the oil crescent, the Darfurian armed groups reportedly have been stationed in the area to assist the army in controlling it. Sources have reported the presence of SLA/MM in the Zillah area of the oil crescent. Several sources have also reported the involvement of some elements of these armed groups in criminal activities, including in the operation of illegal checkpoints, kidnapping for ransom and human trafficking.

31. Sudanese government security forces are aware of the risk of infiltration of Darfurian armed groups from Libya and have strengthened their presence in the border area. According to the director of the National Intelligence and Security Service, Mohamed Atta, in January the Rapid Support Forces deployed approximately 1,000 personnel along the border area, among other reasons to prevent the infiltration of Darfurian armed groups.[8]

32. Both JEM and SLA/MM deny any presence in Libya. JEM claims that the elements allegedly present in Libya are in fact dissidents who still identify as JEM, for example, Abdallah Banda and Haroun Abu Tawila.[9]

33. Owing to time constraints, the Panel has been unable to further investigate the reports of JEM and SLA/MM presence in Libya. The Panel will continue to monitor this issue.

D. Intercommunal and armed militia violence

34. Intercommunal tensions, as well as abuses committed by militias, constitute ongoing impediments to the normalization of the situation in Darfur. Government authorities, especially the Walis, have adopted positive measures to reduce this violence, such as the imposition of curfews, intercommunal mediations, deployment of the security forces and limitations to the open carrying of weapons. However,

[7] Interview with Gibril Ibrahim.

[8] *Sudan Tribune*, "Sudan deploys troops on Libyan border to prevent ISIS infiltration", 20 January 2016. Available from www.sudantribune.com/spip.php?article57738.

[9] Interview with Gibril Ibrahim.

bouts of sporadic intercommunal violence have continued to flare up across Darfur during the reporting period, resulting in hundreds of civilian casualties and thousands being displaced. The sporadic armed confrontations in East Darfur between Ma'aliya and Southern Rizeigat tribes over land control — during which Rizeigat elements attacked the Governor's residence in Ed Daein (East Darfur) in April 2016 — illustrate how this phenomenon poses a challenge to the authority of the Government and to stability in the region.

35. Linked to this issue is the proliferation of tribe-based armed militias, which engage in banditry, the operation of illegal checkpoints, kidnapping for ransom and carjacking; occupy land illegally; and perpetrate abuses against civilians. Attacks by militias on the Sudanese Armed Forces and on government premises are reported regularly.

VI. Political process and progress towards removing impediments to the peace process

A. Developments in the peace process

36. During the reporting period, the Government of the Sudan has pursued a peace agreement in Darfur on its own terms. Bolstered by its military superiority on the ground and a favourable regional and international environment, the Government has attempted to broker a peace deal with two of the three main Darfurian armed groups, JEM and SLA/MM.[10] In doing so, the Government has sought to isolate — both politically and diplomatically — SPLM/N, currently the most powerful Sudanese armed group.[11]

B. Implementation of the Doha Document for Peace in Darfur

37. During the reporting period, discussions continued between the Government and the Darfurian armed groups over the signing of the July 2011 Doha Document for Peace in Darfur. In June 2016, the Government declared that the implementation of the Doha Document was complete and announced the dissolution of the Darfur Regional Authority — the body in charge of key measures of the Doha Document — at the end of its term, in July 2016. On 7 September 2016, the Government held a ceremony in El Fasher to officially mark the end of the implementation of the Doha Document. The President of Chad, Idriss Deby, the President of the Central African Republic, Faustin-Archange Touadéra, and the Emir of Qatar, Sheikh Tamim bin Hamad Al Thani, attended the ceremony. The five former Darfur Regional Authority commissions reportedly continue to operate under the presidency to monitor the implementation of the last Doha Document measures.

38. The Doha Document has remained a bone of contention between the Government and the main non-signatory armed groups — JEM, SLA/MM and SLA/AW — which have repeatedly refused to recognize it as a basis for peace in

[10] The third main Darfurian armed group, SLA/AW, has not agreed to participate in the discussions on the peace process.

[11] SPLM/N is currently operating in Blue Nile and Southern Kordofan States.

Darfur.[12] In June 2016, during discussions in Doha between the Government of the Sudan, JEM and SLA/MM, Sudanese government authorities and Qatari authorities pushed the groups to sign the Doha Document. The groups refused to sign and instead requested the reopening of the Doha process, a demand that the Government rejected. During the round of talks between the Government and the groups, held by the African Union High-level Implementation Panel in Addis Ababa in August 2016, the status of the Doha Document remained a sticking point in the discussions.

39. The Doha Document provided for a referendum on the administrative division of Darfur, namely, on whether to combine the five states into a single state or for them to remain as five separate states. Despite the reservations of the Darfur Regional Authority and controversy over the voting conditions and voter eligibility criteria, the Government held the referendum from 11 to 13 April 2016. According to the official results, the five-state option prevailed, with 97.27 per cent of the vote. The result was a positive outcome for the Government, since the return of Darfur to a single state could have paved the way for increased autonomy for the region. The non-signatory armed groups rejected the result.

40. The implementation of the Doha Document has achieved some results (see S/2016/510, paras. 24-27). It has resulted in the disarmament of certain armed elements. It has also led to power-sharing arrangements in certain State institutions, which has allowed for a greater representation of some Darfurian political elites. Lastly, it has resulted in the establishment of the Darfur Internal Dialogue and Consultation mechanism, a welcome platform for grassroots expression.

41. However, insufficient progress has been made on key areas of the Doha Document, such as arms proliferation, internally displaced persons and land issues. Limited capability of the Darfur Regional Authority, insufficient funding, internal factional struggles in the Authority and unclear distribution of prerogatives between the Authority and Governors have hampered the effective implementation of the Doha Document in these key areas.[13]

C. African Union High-level Implementation Panel road map

42. In order to break the deadlock in the peace process in Darfur and in Southern Kordofan and Blue Nile States (the Two Areas), the Chair of the African Union High-level Implementation Panel, Thabo Mbeki, proposed a road map agreement to the Sudanese parties. The road map comprises broad principles aimed at a general cessation of hostilities, the facilitation of humanitarian access and an inclusive national dialogue. While the Government signed the road map on 21 March, the Sudan Call coalition — comprising, among others, JEM, SLA/MM and SPLM/N — expressed reservations about the text and only signed it in Addis Ababa on 8 August following significant external pressure, including from the United Nations.[14] Negotiations on a cessation of hostilities and humanitarian access followed on

[12] In July 2011, the Government signed the Doha Document for Peace in Darfur with an ad hoc coalition of minority armed groups.

[13] Interviews with diplomatic sources. See also S/2016/805, paras. 173 and 174, and S/2016/510, para. 24.

[14] The Secretary-General and the Troika (the United States, the United Kingdom and Norway) publicly called upon the armed groups to sign the document following their initial refusal.

9 August on the basis of a two-track process (Darfur/Two Areas), only to fail in both tracks on 14 August.

43. The collapse of the Addis Ababa discussions on Darfur between the Government, JEM and SLA/MM can be attributed in part to the failure of the parallel negotiations on the Two Areas between the Government and SPLM/N. After the Government and SPLM/N failed to agree on the issue of humanitarian access to SPLM/N-controlled areas, the Darfurian armed groups appeared more reluctant to strike a separate deal on Darfur. This was due in part to the strategic solidarity among the groups, which are partners in the Sudan Revolutionary Front (SRF) coalition. JEM and SLA/MM also disagreed with the Government on other issues specific to Darfur, namely, the status of the Doha Document for Peace in Darfur and the location of forces. The issue of the location of forces is central to the discussion on the cessation of hostilities and proved contentious during the negotiations because of disagreement among the parties regarding the conditions of its implementation (location versus area debate).[15] An additional factor affecting the discussions on the location of forces was the fact that the forces of both armed groups are now based mostly outside of the Sudan.

D. National Dialogue

44. The National Dialogue, launched by the President of the Sudan, Omar Al Bashir, on 10 October 2015, came to an end on 10 October 2016 with the holding of the Conference of National Dialogue. The Heads of State of Chad, Uganda, Mauritania and Egypt attended the conference, at which a national document comprising the proposals put forward by the six thematic commissions was endorsed.[16] While the Government and some regional partners hailed the dialogue as a major success, the concrete results of the process remain to be seen. While reasserting broad principles of good governance and unity, the national document — as well as the President's closing speech — remained vague and non-committal on implementation measures on such issues as the envisaged new Constitution, political rights and the role of the security services. Moreover, the refusal of the Sudan Call to join the process undermined its inclusiveness. JEM, SLA/MM, SPLM/N and the National Umma Party rejected the National Dialogue because they considered it a process controlled by the Government, and not the inclusive and consensual process agreed upon in the African Union High-level Implementation Panel road map.

45. The status of this National Dialogue and its follow-up remain contentious. While they did not recognize the dialogue, JEM and SLA/MM consider that it could form a good basis for a new, broader dialogue, which they claim they would be ready to join under certain conditions (for example, agreement on new

[15] The "location versus area debate" concerns whether the armed groups will be cantoned in a general area, in which they would be free to move, as argued for by JEM and SLA/MM, or at a specific, precise location, as advocated by the Government of the Sudan.

[16] The six thematic commissions were on governance, identity, freedoms and fundamental rights, economy, foreign relations, and peace and unity. According to several sources, the Government revised certain proposals made by the commissions when drafting the national document.

procedures).[17] The Chair of the African Union High-level Implementation Panel is reportedly unsatisfied with the level of inclusiveness of the National Dialogue and has tried to convince the President to launch a new, more inclusive dialogue.[18] However, the Government has publicly announced that the National Dialogue was concluded and would not be reopened and that the non-signatory groups were welcome to participate in its implementation.[19]

E. Regional environment

46. The international and regional environment continues to be favourable to the Government of the Sudan. Despite the renewal of economic sanctions by the United States in October 2016, the United States values the Sudan's cooperation on counter-terrorism, while the European Union now views the Sudan as a partner against human trafficking and illegal migration, as part of the Khartoum Process.[20] In addition, the relative stability of the Sudan, in a region crippled by crises and tensions, makes it an increasingly important partner for the international community, in particular with regard to the ongoing crises in Libya and South Sudan. The rapprochement of the Government of the Sudan with Saudi Arabia — on the grounds of Sunni solidarity and the global struggle against terrorism — has also provided the Government with a financial lifeline and increased international recognition. This improved diplomatic environment has given the Government more leeway to pursue a Darfur deal on its own terms.

1. Uganda

47. The rapprochement between Uganda and the Sudan, which began in 2014, continued in 2016. The President of the Sudan attended the inauguration of the new term in office of the President of Uganda, Yoweri Museveni, on 12 May 2016, while the latter attended the closing ceremony of the Sudan's National Dialogue on 10 October 2016. This closer relationship has deprived the Darfurian armed groups of one of their external supporters.[21]

48. At the request of JEM and SLA/MM, and with the concurrence of the President of the Sudan, the President of Uganda has agreed to facilitate the Darfur negotiations as from May 2016. Several meetings between Mr. Museveni and the leadership of JEM and SLA/MM, occasionally joined by representatives of the Government of the Sudan and UNAMID, were held in Kampala, providing Sudanese stakeholders with a platform for informal discussions. While he was invited to the meetings, Abdul Wahid al-Nour did not travel to Kampala because he anticipated that the President of Uganda would encourage the armed groups to engage in peace discussions with the Government of the Sudan, a proposal that he

[17] Interviews with Gibril Ibrahim and with Minni Minawi.

[18] Interview with African Union High-level Implementation Panel adviser.

[19] The recent arrests by the Government of the Sudan of leading opposition figures could further undermine the successful implementation of the National Dialogue.

[20] The Khartoum Process is an initiative launched in November 2014 by the 28 member States of the European Union, the African Union and several African States (including the Sudan) to enhance cooperation on migration and on the fight against human trafficking on the Horn of Africa–Europe route.

[21] Confidential sources.

felt compelled to reject.[22] For the time being, JEM and SLA/MM view Mr. Museveni as impartial, although after his return from Khartoum in October, he advised the armed groups to join the National Dialogue. Mr. Museveni reportedly declines to play an official mediation role.

2. Chad

49. The President of Chad continues to be involved sporadically in the resolution of the crisis in Darfur. He met with Gibril Ibrahim and Abdul Wahid al-Nour in Berlin on 12 October, two days after attending the closing session of the National Dialogue in Khartoum (Minni Minawi was also invited to the meeting in Berlin but could not join). At the meeting, Mr. Deby tried to convince the Darfurian armed groups to join the National Dialogue. The groups have little trust in Mr. Deby, whom they see as merely the conveyor of the Government of the Sudan's messages. However, the armed groups consider that they have to remain involved in discussions with Mr. Deby owing to his influence in the region and in Darfur. Mr. Deby reportedly refuses to mediate directly in the Darfur peace process.

3. South Sudan

50. In recent months, the Government of the Sudan has stepped up its pressure on South Sudanese authorities over the implementation of the cooperation agreement of September 2012 between the two countries, in particular the security arrangement committing both States to stop their support for proxy rebel groups. The Presidents of the two countries have held several high-level meetings, the latest in Malabo in November during the fourth Africa-Arab Summit. At the meetings, the Government of the Sudan reportedly insisted that South Sudan cut ties with JEM and SPLM/N.

51. The Sudan is currently in a strong bargaining position with regard to South Sudan. In a difficult economic situation, the Government of South Sudan needs to strike a deal with the Sudan on the Transitional Financial Arrangement over oil revenues. It also needs the border with the Sudan to be reopened, among other things, to allow humanitarian access to northern areas, the stronghold of several powerful figures of the regime. The President of South Sudan, Salva Kiir, is also well aware that the Sudan could provide covert support to the main opposition leader, Riek Machar, or to other militia leaders should he fail to deliver on the issue of the presence of the Sudanese armed groups in South Sudan. Lastly, the new First Vice-President of South Sudan, Taban Deng Gai — who has taken the lead in normalizing relations with the Sudan since his appointment in July — needs to deliver results on this issue to consolidate his own position of power.

52. As a result of the increased pressure from the Sudan, on 21 October, the Minister of Defence and Veterans' Affairs of South Sudan, Kuol Manyang, publicly acknowledged the presence of Sudanese armed groups in South Sudan — which the Government had repeatedly denied until then — and stated that the Government of South Sudan had ordered them to leave the country by the end of November 2016.

[22] Interview with Abdul Wahid al-Nour.

F. Challenges to the peace process

53. The Government of the Sudan appears committed to striking a peace deal with JEM and SLA/MM in the short term, which could include the participation of the two groups in a broader Government and in State institutions.[23] This would allow the Government to bolster its international standing.[24] A deal on Darfur would also strengthen the Government's position in the Two Areas, isolating SPLM/N from the Darfurian armed groups and de facto splitting SRF and the Sudan Call. This move would further allow the Sudanese security forces to focus their efforts on the Two Areas. However, given the Government's strong position both militarily and on the international and regional stage, some sections of the regime[25] are reportedly reluctant to make further concessions to these armed groups.

54. The limited military strength of JEM and SLA/MM forces on the ground and the groups' growing isolation on the regional stage could push them to accept a political settlement. However, their entrenched mistrust of the Government, as illustrated by the discussions on the location of forces, is preventing them from taking a decisive step towards peace. Moreover, some members of the movements' leadership reportedly are not yet committed to a political solution and are using the negotiations as a delaying tactic to reconstitute their military strength and in expectation of a favourable change in the regional environment.

55. Abdul Wahid al-Nour is unlikely to join the peace process in the near future. He continues to refuse to engage in talks with the Government of the Sudan. He also does not recognize the mediator role of the Chair of the African Union High-level Implementation Panel, Thabo Mbeki, and refuses to compromise on the preconditions for his participation in the dialogue, including the end of the violence on the ground and the disarmament of pro-Government militias.[26] He appears persuaded that his refusal to engage in the current discussions gives him credibility among his Fur supporters.

56. To achieve a durable normalization of the situation in Darfur, a comprehensive peace deal — one that is not limited to an elite power-sharing agreement — appears necessary. Key issues, such as control over militia groups and land rights, need to be addressed in order to allow for the voluntary return of internally displaced persons and the reduction of intercommunal violence and banditry. The capacity of the parties to the peace process to deliver on such issues remains to be seen. The measures needed to address these issues may have an impact on the interests of some of their constituencies, including pro-Government militias and armed tribes, which have played an important role in the Government's counter-insurgency strategy.

---

[23] Various sources, following the discussions between the Government of the Sudan and the Darfurian armed groups.

[24] In particular, the issue of the United States sanctions on the Sudan has been a major concern for the Government of the Sudan.

[25] According to different sources, the Sudanese Armed Forces, the National Intelligence and Security Service and the Ministry of Foreign Affairs at times have held different positions on the negotiations with armed groups in relation to the peace process.

[26] Interview with Abdul Wahid al-Nour.

57. The Government of South Sudan's tolerance of the JEM presence on its territory and the close relations between SPLA and JEM do not augur well for peace and stability in Darfur. While the Government of South Sudan has ordered Sudanese armed groups to leave the country, the enforcement of this decision in the coming months will test its sincerity and capacity to deliver on this issue.

VII. Progress towards reducing violations of the arms embargo

58. Pursuant to paragraphs 7 and 8 of Security Council resolution 1556 (2004), expanded by paragraph 7 of resolution 1591 (2005) and strengthened by paragraphs 8 to 10 of resolution 1945 (2010), as updated by paragraph 4 of resolution 2035 (2012), the Panel continues to focus on monitoring and investigating whether there have been violations of the arms embargo by the Government, Member States, non-signatory armed groups or other entities. The Panel has focused its investigative and reporting efforts on the following main issues: (a) monitoring of armed violence in Darfur; (b) cross-border activities with the potential for violations of the arms embargo; and (c) weapons capacity and capability.

A. Monitoring of armed violence in Darfur

59. The Panel has collated and analysed all available sources of information to identify significant incidents, patterns and trends of armed violence in Darfur. The data will be used to direct subsequent field investigations and support technical reporting. Armed violence in Darfur can be summarized as pertaining to the following broad categories: (a) the conflict between government forces and armed groups; (b) attacks on UNAMID military patrols and humanitarian staff; and (c) armed violence against civilians (see annexes II and III).

60. The Panel will conduct follow-up investigations to confirm reports on the above-mentioned areas of interest and to identify where the violations of the arms embargo may have been committed.

61. Analysis of open source information from 2016 has highlighted the possible use of offensive military overflights and heavy weapons in Darfur by the Sudanese Armed Forces. Examples in which this tactic has allegedly affected civilians include: (a) on 6 June 2016, when 6 persons were killed and 18 were injured in the Nertiti area (Central Darfur) by aerial bombardment; and (b) on 18 July 2016, when two persons were killed in Deribat (South Darfur) by artillery strike. The corroboration of reports on armed violence in Jebel Marra is a priority for the Panel once it has access to Darfur.

62. The Panel has reviewed open source material, including a report published by Amnesty International in September 2016, regarding allegations of the use by the Government of the Sudan of chemical weapons in its offensive in Jebel Marra. The Panel notes that the Government has denied the allegations on the basis of its own technical investigation, while UNAMID has publicly stated that neither its patrols nor its staff have found any evidence to support the claims. The Panel has commenced its own technical analysis of the allegations and intends to report in detail at the earliest opportunity once it is satisfied that it has sufficient evidence to

reach a conclusion on the matter. In order to verify the allegations, the Panel requires access to the field to obtain ground samples and physical evidence of the munitions used and to interview different sources, such as victims and witnesses of the alleged attacks, medical staff who treated the victims and military commanders involved in operations in Jebel Marra.

63. In relation to Darfurian armed groups, SLA/AW has been the only entity regularly involved in armed violence against the Government in Darfur. The group is based primarily in the Jebel Marra region and has been engaged in attacks on government forces for most of the reporting period.

64. Unidentified armed groups are often reported as being the perpetrators of attacks against civilians in Darfur, in particular at camps for internally displaced persons. The motives of these attacks are often criminal or tribal in nature, but others could be categorized as tactically motivated to control an area or generate funds.

65. Attacks on UNAMID patrols have been less frequent in 2016. The main incidents took place early in the year and are set out in annex IV.

B. Cross-border activities

66. Darfur has three international border crossings that are partially manned by local authorities: El Geneina, the largest border crossing in the west (West Darfur); Tine, in the north-west (North Darfur); and Um Dukhun, in the south-west (West Darfur).[27]

67. In its previous reports, the Panel has documented smuggling across the Sudanese-Chadian border (see S/2015/31, para. 253, and S/2016/805, para. 157). During the reporting period, the Panel was unable to travel to Darfur to physically assess the current situation; however, available information indicates no change in this situation.

68. A joint Sudanese-Chadian border force has been established to strengthen border security and tackle terrorism in the region by providing enhanced protection to communities in western Darfur. The force is based in El Geneina and is headed by Brigadier General Ahmed Mohamed Awad El Karim.[28] It has been deployed along the Sudanese-Chadian border and is conducting joint patrols. In September 2016, an agreement was reached between the Sudan, Chad and the Central African Republic to extend the responsibility of the joint border force to include the border area in each of the three countries where armed groups are regularly in transit and engage in trafficking of arms and related materiel.

69. Available information indicates that despite the presence of the joint border force, the cross-border activity of armed groups and militias has continued unabated. For example, UNAMID reports and information provided to the Panel by a local source indicate a build-up of tensions in Kulbus (West Darfur) between Zaghawa and several local Arab tribes in October and November 2016. On 1 November, 16

[27] Sudan customs information and website.

[28] Sudanese Media Centre, "Sudan-Chad assess joint border force", 6 October 2016. Available from http://smc.sd/en/2016/10/sudan-chad-assess-joint-border-force/.

vehicles with armed Zaghawa men crossed into Darfur from Chad.[29] Similarly, in November, two Arab tribes from West Darfur crossed into the area of Jebel Moon on vehicles mounted with weapons in response to the perceived preparedness of the Zaghawa. Clashes between the two groups ensued, resulting in casualties.

70. JEM has maintained a presence in South Sudan, mostly in Western Bahr el-Ghazal.[30] Some sources informed the Panel of the existence of JEM bases in the Raja area and in Deim Zubeir. There is a significant chance that in addition to tolerating JEM bases, SPLA provided weapons and ammunition to the group. Other sources mention recruitments by the group in refugee camps in northern South Sudan.

71. In its previous report, the Panel found that the Government of South Sudan had violated paragraph 8 of resolution 1556 (2004), read with paragraph 7 of resolution 1591 (2005), by failing to take the measures necessary to prevent technical training and assistance relating to the provision of weapons to JEM from 2014 to 21 April 2015 (see S/2016/805, paras. 48-53). If the reports from 2016 are confirmed, the hosting of JEM military training bases and the provision of military equipment to the movement would constitute a violation of the arms embargo by South Sudan. While JEM acknowledges its presence in South Sudan, it denies any engagement alongside or support from SPLA.[31] The Panel intends to investigate this issue further.

72. Reports indicate several instances of armed groups moving across the border from Darfur into Libya and returning. Other entities have reported the presence of SLA/MM and JEM fighters crossing the border into Libya and engaging in fighting in that country.

73. These cross-border activities by armed groups are a threat to peace and stability in the region and could constitute a violation of the arms embargo. The Panel will continue to monitor and investigate this issue.

C. Weapons capacity and capability study

74. The Panel will continue to conduct research on the supply of arms and ammunition to all actors in Darfur to assist in the identification of arms embargo violations. In accordance with paragraph 4 of resolution 2265 (2016), this will include an investigation into the provision of end-user documentation for arms discovered in Darfur. The Panel will also confirm whether measures are in place to ensure compliance or recommend measures to assist in improving compliance.

75. Plans for disarmament in Darfur are based on the final security arrangements of the Doha Document for Peace in Darfur and include a community stabilization programme managed by UNAMID and the United Nations country team, voluntary registration and the marking of weapons. The Sudan Disarmament, Demobilization and Reintegration Commission is implementing the programme with the support of UNAMID, initially in West and South Darfur. Although detailed plans for civilian

[29] Interview with the Sudanese diaspora.

[30] See paras. 50-52 above for more details on the JEM presence in South Sudan.

[31] Interview with Gibril Ibrahim.

arms control are still unknown, over 15,000 former combatants have been demobilized and processed for reintegration. Qatar is providing support for this initiative. The Panel will monitor the progress of the programme.

VIII. Violations of international humanitarian law and human rights

76. Pursuant to resolution 2265 (2016), the Panel has continued to investigate violations of international humanitarian law and human rights, including attacks on the civilian population, sexual and gender-based violence and grave violations and abuses against children. Given its lack of access to Darfur during the reporting period, the Panel has based its investigation and analysis on a review of available information reported by the United Nations and its partner agencies, as well as on information provided to the Panel by different sources.

77. The humanitarian situation in Darfur has not improved in 2016. Civilians continue to bear the brunt of the conflict. Renewed fighting between government forces and SLA/AW during the first half of the year resulted in significant displacement of the civilian population and increased violence against civilians. In addition, intercommunal violence, the widespread proliferation of weapons and acts of violence by organized criminals, armed militias and armed nomads remained a significant cause of insecurity and displacement of the population in Darfur (see paras. 59-65 above and annex III, and S/2016/510, para. 30).

A. Jebel Marra offensive[32]

78. The escalation of the conflict between government forces and SLA/AW in mid-January 2016 resulted in large-scale displacement of the civilian population, in particular from the Jebel Marra area. According to United Nations estimates, between 160,000 and 195,000 civilians reportedly were internally displaced from the Jebel Marra area as a result of the fighting during the first half of 2016, including over 80,000 people who have been registered, verified or assisted. The vast majority of the internally displaced persons were women or children.

79. According to various sources, the operations by government forces in the Jebel Marra area involved significant aerial bombardments followed by ground operations. Multiple reports indicate that government aircraft conducted extensive aerial bombardments on civilian localities in and around the Jebel Marra area (see annex II). This campaign of aerial bombardment reportedly resulted in civilian casualties and the destruction of numerous villages. The Panel is aware of allegations that, during their ground operations in Jebel Marra, security forces indiscriminately fired on civilians and looted and burned down villages, forcing the population to flee. Reports also indicate that civilians were killed and maimed by explosive remnants of war. Lastly, the Panel received unconfirmed reports that armed elements supporting ground operations raped civilians during and after the attacks.

[32] For further detail on the Jebel Marra campaign, see S/2016/268, paras. 2-10; S/2016/510, paras. 3-7; and S/2016/812, paras. 2-5.

80. The Panel has been unable to conduct an investigation into these allegations to independently verify them, as it has not yet had access to Darfur. The Panel intends to follow up on these issues. If confirmed, such conduct would amount to a breach of the prohibition under international humanitarian law to deliberately or indiscriminately attack the civilian population and civilian objects.[33]

81. Lastly, the Panel is aware of allegations that government forces used chemical weapons during their operations in Jebel Marra in 2016. The Panel has begun its own technical analysis of the allegations[34] and intends to follow up on this issue.

B. Humanitarian access

82. The United Nations and its partners continue to face access denials in different regions of Darfur, in particular in parts of Jebel Marra affected by the 2016 crisis. In October 2016, humanitarian actors reported that they had been unable to reach some of the affected communities to assess the needs of an estimated 50,000-85,000 people, who reportedly had been displaced by the fighting.

83. Humanitarian actors estimate the total number of internally displaced persons in Darfur at over 2.6 million, 1.6 million of whom remain in camps across the region and in need of humanitarian assistance. Internally displaced persons are routinely exposed to acts of violence, intimidation and insecurity both inside and outside the camps. For example, in May 2016, six civilians, including two children, were shot and killed by armed local tribes in Sortony (North Darfur), next to a site of recently displaced persons escaping the fighting in Jebel Marra. Several other persons, including a UNAMID peacekeeper, were injured in the incident.[35]

84. The Government has announced plans to close camps for internally displaced persons and relocate the population. According to United Nations reports, earlier in 2016, internally displaced persons across Darfur expressed their opposition to the closure of the camps owing to the absence of adequate security conditions for their voluntary return to their places of origin, as well as the lack of access to basic services, compensation and land rights (see S/2016/510, para. 38).

C. Sexual and gender-based violence

85. Sexual and gender-based violence remains a grave concern in Darfur. Incidents of rape by unidentified armed men, militiamen and armed nomads — identified by the victims and eyewitnesses as Arab — and other perpetrator groups against women and girls are routinely reported by different sources. In some instances, acts of sexual violence against women and girls are perpetrated in the context of

[33] See Additional Protocol II to the Geneva Conventions of 12 August 1949, art. 13 (2); see also Jean-Marie Henkaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, vol. I, International Committee of the Red Cross (Cambridge, Cambridge University Press, 2005), rules 1, 7, 11 and 12.

[34] See para. 62 above.

[35] The full statement of the United Nations Resident Coordinator in relation to the incident is available from http://reliefweb.int/report/sudan/statement-attributable-united-nations-resident-and-humanitarian-coordinator-sudan-ms-3. See also S/2016/587, para. 9.

intercommunal violence. At camps for internally displaced persons, women and girls are regularly exposed to sexual violence, including outside the camps, for example, when collecting water or firewood or engaging in livelihood activities. Despite measures taken by the local authorities and UNAMID to improve the security situation, these crimes continue to be perpetrated with impunity.

86. The Panel is aware of allegations that armed elements involved in the Jebel Marra campaign have perpetrated acts of sexual violence against civilians, which it has not verified. The Panel intends to investigate these allegations.

D. Violations of international humanitarian law relating to children

87. The Panel continues to focus on monitoring violations of international humanitarian law relating to children. In its previous report, the Panel reported that a group of children were in government custody for their alleged association with JEM (see S/2016/805, paras. 11 and 120-123). The children had reportedly been captured during fighting between the Government of the Sudan and JEM in Darfur in 2015. On the basis of the evidence gathered, the Panel concluded that JEM and its senior military leaders were responsible for violations of international humanitarian law associated with the recruitment of children and their use in hostilities in Darfur (ibid., para. 121).

88. During her visit to the Sudan in March 2016, the Special Representative of the Secretary-General for Children and Armed Conflict was granted access to the children in detention. In September 2016, the children were reportedly released. Their release marks an important step towards the implementation of the action plan signed between the United Nations and the Government of the Sudan on 27 March 2016, which provides a road map for the overall protection of children affected by armed conflict in the Sudan.

89. In November 2016, the Panel met with the JEM leadership in Uganda and discussed the presence of children within JEM ranks. The JEM leader, Gibril Ibrahim, strongly denied the Panel's findings in its previous report that JEM recruits and uses children in hostilities. He also denied that children were present at JEM bases and training camps and that the aforementioned children in government custody were JEM recruits.

90. The Panel notes that the Secretary-General has listed JEM as a persistent perpetrator for the recruitment and use of children in hostilities and has found evidence of violations every year since 2009 (see A/63/785-S/2009/158 and Corr.1, A/64/742-S/2010/181, A/65/820-S/2011/250, A/66/782-S/2012/261, A/67/845-S/2013/245, A/68/878-S/2014/339, A/69/926-S/2015/409 and A/70/836-S/2016/360 and Add.1). The Panel will continue to monitor this issue.

E. Attacks against the African Union-United Nations Hybrid Operation in Darfur and humanitarian workers in Darfur

91. In 2016, UNAMID personnel and property (see annex IV) and humanitarian workers have continued to be targeted by different perpetrator groups, although with less frequency than in previous years. For example, on 1 January, SLA/AW

reportedly attacked a UNAMID patrol near Kutum (North Darfur). On 9 March, an unidentified large force attacked a UNAMID patrol from the Kutum team site escorting humanitarian workers; the attack resulted in the death of a peacekeeper and injury to another. On 27 November, four armed men abducted two international staff members of the Office of the United Nations High Commissioner for Refugees (UNHCR) and their driver near the UNHCR office in El Geneina, forcing them into their vehicle before fleeing. The three UNHCR staff members have since been released. The Panel intends to investigate these incidents.

IX. Travel ban and asset freeze provisions

A. Implementation of the travel ban

92. The Panel has investigated a number of violations of the travel ban since its inception. In most cases, the investigations have remained open despite the confirmation of travel provided by the designated individuals to the Panel. Member States have, at times, been unable to confirm the visits of the designated individuals to their territory through their immigration database. This has been due mainly to the lack of availability of information such as travel document details, exact date of entry and flight number.

93. The Panel continues to investigate non-compliance with the travel ban in relation to the designated individuals. During its previous mandate, the Panel investigated and established a violation of the travel ban by a designated individual, Musa Hilal, who had travelled to Egypt (see S/2016/805, para. 159). During the current mandate, the Panel requested the concerned Member States of departure and entry to provide details of the travel document used by the designated individual for the possible inclusion of such identifying information in the Sudan sanctions list. The Government of Egypt confirmed the travel and explained to the Panel its system of visa exemptions for certain categories of Sudanese nationals, which was the reason behind the oversight. It indicated that the competent national authorities have now taken the necessary corrective measures. The Panel considers the investigation into this incident closed.

94. Furthermore, to close a long-pending investigation, the Panel has requested the Government of the United Arab Emirates to provide responses to queries raised in relation to travel to that country that had been confirmed by Musa Hilal himself (see S/2015/31, para. 209; and S/2014/87, paras. 169 and 170 and annex XIII).

95. The Panel recalls that pursuant to paragraph 3 (d) of resolution 1591 (2005), States are obliged to take the necessary measures to prevent entry into or transit through their territories of the designated individuals. However, the resolution contains no provisions on the action to be taken by a State once entry or transit has occurred and the State later discovers the presence of the designated person in its territory. In paragraph 22 of resolution 2265 (2016), the Council urged all States to cooperate fully with the Committee and the Panel, in particular by supplying any information at their disposal on the implementation of the measures imposed in resolutions 1556 (2004), 1591 (2005) and 1945 (2010), which would include information on incidents of non-compliance with the travel ban (see recommendation in paragraph 101 (b)).

96. In its midterm update submitted pursuant to resolution 2200 (2015), the Panel recommended that the Committee consider issuing an implementation assistance notice to provide operative guidance to Member States in the prevention and detection of future violations of the travel ban measure. Following the Committee's agreement on 30 August 2016 to consider follow-up action in connection with this recommendation, the Panel submitted a draft implementation assistance notice to the Committee.

B. Financing of armed groups

97. The Panel continues to focus on the financing of armed groups because availability of funds enables them to purchase arms, ammunition and vehicles and retain their members. Unless the sources of funding are identified and efforts are made to neutralize these sources, armed groups will continue to pose a credible threat to peace and stability in Darfur.

1. Involvement of Darfurian armed groups in criminal activities in Libya

98. As noted in paragraphs 30 to 33 above, both SLA/MM and JEM are reportedly operating in Libya. According to several sources, some elements of these armed groups have been involved in criminal activities, including in operating illegal checkpoints, kidnapping for ransom and human trafficking. These activities have become a potential source of funding for these groups. The Panel intends to investigate this issue in detail.

2. Involvement of militias and armed groups in criminal activities in Darfur

99. As noted in paragraph 35 above, during the current mandate, Darfur has witnessed a number of incidents involving: (a) illegal checkpoints; (b) attacks on convoys of commercial, government and non-governmental organizations; (c) the kidnapping of international humanitarian aid workers; and (d) carjacking. In most of these cases, unidentified armed individuals or groups reportedly committed these crimes. Once on the ground, the Panel intends to investigate the extent to which these incidents contributed to financing militias and armed groups operating in Darfur.

X. Recommendations

100. The Panel recommends that the Security Council extend the length of its mandate to 18 months (see para. 12 above).

101. The Panel recommends that the Committee:

(a) Urge the Government of the Sudan to facilitate the fulfilment of the Panel's mission in the best possible environment, including by providing multiple-entry visas for Panel members in a timely manner and granting unlimited access to Darfur (see paras. 12-14 above);

(b) Encourage Member States, upon discovery of cases in which designated individuals are present on or transiting through their territory, to promptly report such non-compliance of the travel ban to the Committee (see para. 95 above).

Annex I

Mandate

1. In paragraph 7 of resolution 1556 (2004), the Security Council mandated all states to take the necessary measures to prevent the sale or supply, to all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories. In paragraph 8 of the resolution 1556 (2004), the Council further mandated all states to take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7, by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7.

2. In paragraph 7 of its resolution 1591 (2005), the Council extended the arms embargo to include all parties to the N'Djamena Ceasefire Agreement and any other belligerents in the aforementioned areas in Darfur.

3. In its resolution 2035 (2012), the Council extended the reference to the three states of Darfur to all the territory of Darfur, including the new states of Eastern and Central Darfur created on 11 January 2012.

4. The enforcement of arms embargo was further strengthened, in paragraph 10 of the resolution 1945 (2010), by imposing the condition of end user documentation for any sale or supply of arms and related materiel that is otherwise not prohibited by resolutions 1556 and 1591. In paragraph 4 of resolution 2265 (2016), the Panel has also been requested to report on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010).

5. In paragraphs 3 (d) and 3 (e) of resolution 1591 (2005), the Council imposed targeted travel and financial sanctions on designated individuals (the listing criteria were further extended to entities in resolution 2035 (2012), to be designated by the Security Council Committee established pursuant to resolution 1591 (2005), on the basis of the criteria set out in paragraph 3 (c) of that resolution. In its resolution 1672 (2006), the Council designated four individuals.

6. The Panel operates under the direction of the Security Council Committee established pursuant to resolution 1591 (2005). The mandate of the Panel, as set out in resolution 1591 (2005), is:

(a) To assist the Committee in monitoring implementation of the arms embargo;

(b) To assist the Committee in monitoring implementation of the targeted travel and financial sanctions; and

(c) To make recommendations to the Committee on actions that the Security Council may want to consider.

7. In its resolution 2265 (2016) and preceding resolutions, the Security Council also requested that the Panel:

(a) Continue to coordinate its activities, as appropriate, with the operations of the UNAMID, with international efforts to promote a political process in Darfur, and with other Panels or Groups of Experts, established by the Security Council, as relevant to the implementation of its mandate;

(b) Assess in its midterm update and final report:

(i) Progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004), paragraph 7 of resolution 1591 (2005) and paragraph 10 of resolution 1945 (2010);

(ii) Progress towards removing impediments to the political process and threats to stability in Darfur and the region;

(iii) Violations of violations of international humanitarian law or violations or abuses of human rights, including those that involve attacks on the civilian population, sexual and gender-based violence and violations and abuses against children; and

(iv) Other violations of the above-mentioned resolutions;

(c) Provide the Committee with information on those individuals and entities meeting the listing criteria in paragraph 3 (c) of resolution 1591 (2005); and

(d) Continue to investigate the financing and role of armed, military and political groups in attacks against UNAMID personnel in Darfur, noting that individuals and entities planning, sponsoring or participating in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria provided for in paragraph 3 (c) of resolution 1591 (2005).

Annex II

Summary of reported[a] air attacks in Darfur (1 January-30 November 2016)[b]

			Attack Type				Aircraft Type						Casualties	
Date	Location	Sector	AT Bomb[c]	AT/AP[d]	IAP[e]	NK[f]	Mi-24 Hind	No. 25 Fixed-wing	Antonov	NK	Ordnance Type	Target	Fatal	Injured
1 Jan	East Jebel Marra	North				X				X		Villages	NK	NK
14 Jan	Samra	North				3		X				Village	0	0
15 Jan	Daly Duko	North				1				X		Village	0	0
15 Jan	Taburat	North				13				X		Village	0	0
16 Jan	Koro	North				X				X		Village	0	0
16 Jan	Barbis	North				X				X		Village	0	0
17 Jan	Koro	North				17				X		Village	0	4
19 Jan	Barbis	North				6				X		Village	NK	NK
22 Jan	Barbis	North				X				X		Village	NK	NK
22 Jan	Kamnga	North				6				X		Village	NK	NK
23 Jan	Golo	Central				X				X		Village	2	0
23 Jan	Kutrum	Central				X				X		Village	6	0
23 Jan	Killin	Central				X				X		Villages	2	2
24 Jan	El Aradeib	North				X				X		Village	0	0
28 Jan	Golo	Central				X				X		Village	6	14
2 Feb	Deribat	South				15				X		Village	0	0
2 Feb	Kutrum	Central				7				X		Village	0	0
3 Feb	Tur	Central				X				X		Village	0	10
4 Feb	Golo	Central				X				X		Village	0	0
5 Feb	Teby	Central				9				X		Village	0	1
11 Feb	Golo	Central				3				X		Village	1	1
11 Feb	Buri	Central				X				X		Village	11	5
12 Feb	Tur	Central				X				X		Village	1	1
12 Feb	Jetinga	Central				X				X		Village	2	1
12 Feb	Golo	Central				36				X		Village	0	0
13 Feb	Kodei	Central				X				X		Village	0	0
14 Feb	Borri	Central				X				X		Village	0	0

			Attack Type				Aircraft Type						Casualties	
Date	Location	Sector	A/C Bomb[b]	AGM[d]	IM[e]	NK[f]	Mi-24 Hind	Su-25 Frogfoot	Antonov	NK	Ordnance Type	Target	Fatal	Injured
15 Feb	Kwila	Central				X				X		Village	0	0
15 Feb	Marra	Central				X				X		Village	0	0
16 Feb	Sorrong	Central				X				X		Village	2	8
16 Feb	Golol	Central				5				X		Village	0	0
17 Feb	Boldong	Central				X				X		Village	0	0
18 Feb	Tirenay	Central				4				X		Village	0	0
20 Feb	Fouli	Central				X				X		Village	0	0
22 Feb	Tui	North				8				X		Village	0	0
28 Feb	Marra	Central				X				X		Village	8	2
1 Mar	Tek Ro	Central				7			X			Village	0	0
2 Mar	Jokosti	Central				9			X			Village	13	19
5 Mar	Tado	Central				X				X		Village	0	0
5 Mar	Golol	Central				X				X		Village	2	0
15 Mar	Feldi	South				X			X			Village	3	0
16 Mar	Foley	Central				9				X		Village	0	0
16 Mar	Yuro	South				X			X			Village	1	2
19 Mar	Wadi Boor	Central				X				X		Village	0	2
27 Mar	Kidingir	South				X				X		Village	4	0
9 Apr	Guldo	Central				6				X		Village	0	0
13 Apr	Logi	Central				22			X			Village	0	2
25 Apr	Marra	Central				X			X			Village	0	2
4 May	Kutrum	Central				9			X			Village	0	3
3 Jun	Nertiti	Central				X			X			Mosque	2	0
4 Jun	Nertiti	Central				X				X		Villages	6	18
9 Jul	Lobi	South				7			X			Village	3	0
25 Jul	Kass	South				X				X		Villages	2	1
26 Jul	Torrentowra	Central				X				X		Village	0	0
27 Jul	Tringa	Central				X			X			Village	1	0
27 Jul	Kelley	Central				X			X			Village	0	0
27 Jul	Njama	South				X				X		Village	0	0

			Attack Type				Aircraft Type						Casualties	
Date	Location	Sector	A/C Bomb[b]	AGM[d]	IM[e]	NK[f]	Mi-24 Hind	Su-25 Frogfoot	Antonov	NK	Ordnance Type	Target	Fatal	Injured
2 Aug	Feina	South				X				X		Village	0	0
8 Aug	Kabe	Central				X				X		Village	5	0
9 Aug	Sorrong	Central				X				X		Villages	1	0
18 Aug	Fori	North				X			X			Village	0	0
21 Aug	Saboun el Fagur	South				X			X			Village	1	0
27 Aug	Togi	South				X				X		Villages	0	1
14 Sep	Loubi	North				12			X			Village	3	0
23 Sep	Jawa	South				13			X			Village	1	1
12 Oct	Tring	South				X			X			Village	1	0

[a] These are incidents reported from a range of sources, cross-referenced against UNAMID reporting to establish veracity.
[b] The dashed lines on this, and all subsequent, tables indicate the commencement of the mandate period or end of reporting quarters.
[c] Aircraft bomb (e.g. FAB 500).
[d] Air to Ground Missile or Rocket (e.g. S-8).
[e] Improvised munition.
[f] Not known.

Annex III

Summary of Armed Violence in Darfur (1 January-30 November 2016)[a]

1. The situation in Darfur is complex, and armed violence is a major factor affecting the civilian population. While Government military actions have had a serious impact on the rural populations in its attempt to defeat armed groups, the continual threat from criminal armed violence in all Darfur regions remains the largest factor accounting for civilian deaths.

2. Trend analysis from open-source reporting provides a general understanding of the conflict dynamics; however, it does not indicate actual totals of casualties.

3. The chart illustrated below highlights the increased levels of reporting on SAF aerial bombing in Darfur at the start of the year with a peak in January and February 2016. This major offensive was aimed at defeating SLA/AW in Jebel Marra.

4. Criminal armed violence has been more consistently reported throughout the year and has generally been attributed to robbery and intercommunal violence, often disputes over grazing rights for livestock. As the military situation has stabilized later in the year, there has been an increase in reporting of criminal armed violence being conducted by unknown militia groups.

5. The UNAMID DDR Section reports a decrease in intercommunal violence in 2016 compared to previous years and quote a total of 3,387 civilian deaths between January 2013 and November 2016.

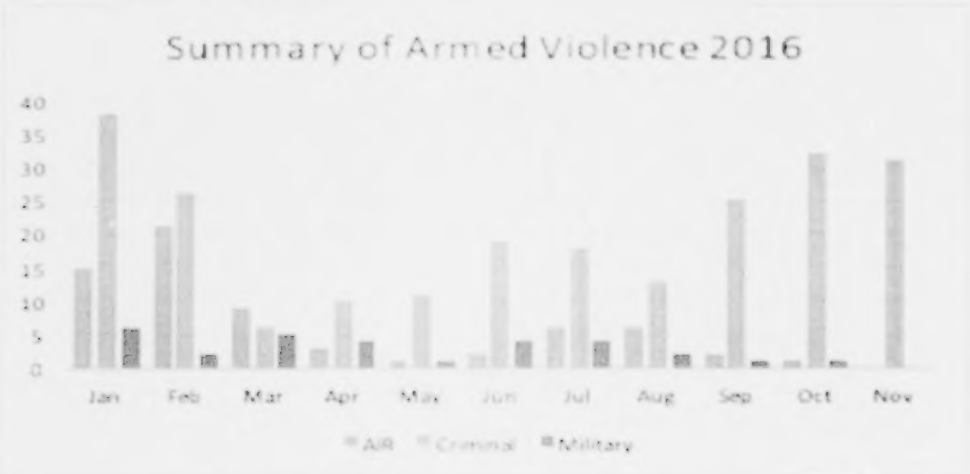

Diagram 1 — Reported frequency of types of arms related incidents

[a] This data has been produced from analysis of multiple open source reports, cross-referenced where possible to UNAMID reporting to establish veracity.

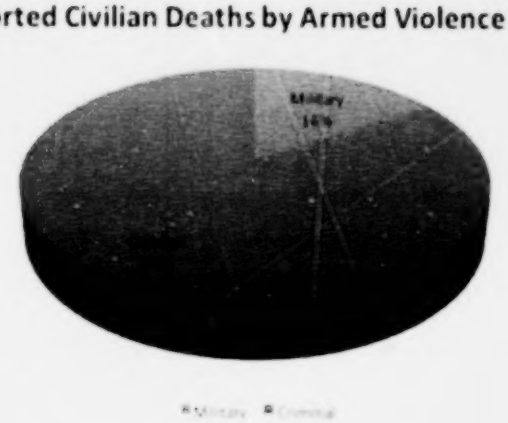

Diagram 2 — Breakdown of reported arms-related civilian fatalities by incident type[b]

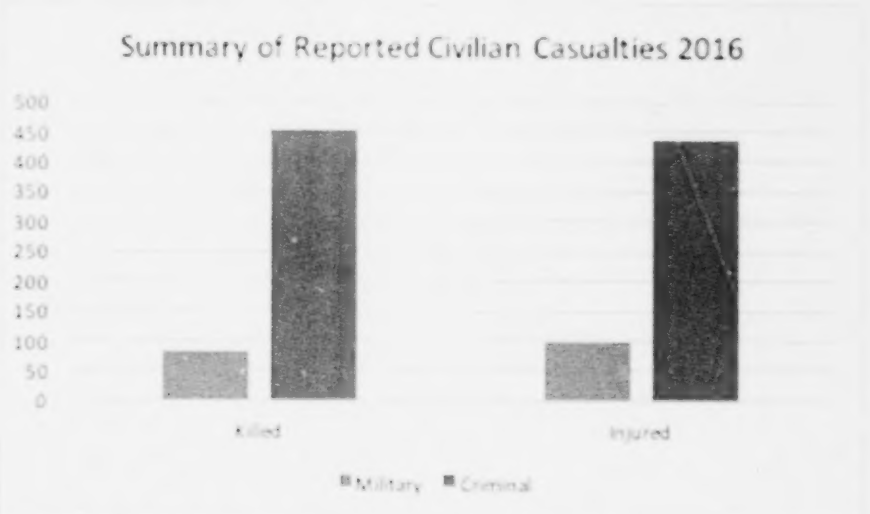

Diagram 3 — Breakdown of all reported armed violence civilian casualties reported in 2016[c]

[b] Incident types are generic and reflect deaths caused by criminal causes such as intercommunal violence or armed robbery and those as a consequence of military action between SAF and armed groups.

[c] The reported military incidents are mainly from offensive aerial overflights and do not necessarily reflect total numbers for civilian casualties caused by military operations.

Annex IV

Summary of reported[a] armed violence against UNAMID (1 January-30 November 2016)

			UNAMID target							*UNAMID casualties*		
Date	*Location*	*Sector*	*Base*	*TS*[b]	*Patrol*	*Residence*	*Individual(s)*	*AC*[c]	*Perpetrator*	*Fatal*	*Injured*	*Remarks*
1 Jan	31km NE of Kutum	North			X				SLA/AW	0	0	5 weapons seized UNAMID killed 1 and injured 2 SLA/AW members
7 Jan	20km S of Anka	North			X				Arab Militia	0	1	5 weapons seized
31 Jan	El Daein	East			X				Unknown	0	0	Vehicle hijack
15 Feb	Dereige	South				X			Uniformed men	0	0	Armed robbery
10 Mar	Damrat Musry, Kutum	Central			X				Unknown	1	1	Ambush of convoy on way to Djarido XP
9 May	Sortony	North	X						Reizegat armed group	0	1	Attack on IDP camp, 1 UNAMID staff injured
28 Jun	Labado	East						X	Unknown	0	0	Armed robbery
24 Nov	Nyala	South						X	Unknown	0	0	4 UNAMID staff abducted and robbed

[a] These are examples of incidents reported by a range of sources, cross-referenced against UNAMID reporting to establish veracity.
[b] Team Site.
[c] Aircraft.

Annex V

Abbreviations

A/C	Aircraft
AGM	Air to Ground Missile
AUHIP	AU High Level Panel
CAR	Central African Republic
DDPD	Doha Document for Peace in Darfur
DDR	Disarmament, Demobilization and Reintegration
DRA	Darfur Regional Authority
EU	European Union
IDP	Internally Displaced Person(s)
IM	Improvised Munitions
JEM	Justice and Equality Movement
LNA	Libyan National Army
NISS	National Intelligence and Security Service (Sudan)
RSF	Rapid Support Forces
SAF	Sudanese Armed Forces
SLA/AW	Sudan Liberation Army/Abdul Wahid al-Nour
SLA/MM	Sudan Liberation Army/Minni Minawi
SPLA	Sudan People's Liberation Army (South Sudanese Army)
SPLA-IO	Sudan People's Liberation Army-In Opposition
SPLM	Sudan People's Liberation Movement
SPLM/N	Sudan People's Liberation Movement/North
SRF	Sudanese Revolutionary Front
TS	Team Site
UN	United Nations
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UNHCR	United Nations High Commissioner for Refugees
UNMISS	United Nations Mission in South Sudan